

840 CMR 7.00: STANDARD RULES FOR ELECTIONS

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7.01: General Provisions

(1) 840 CMR 7.00 is the standard rule for elections promulgated by the Public Employee Retirement Administration Commission pursuant to M.G.L. c. 7, § 50 and M.G.L. c. 32, § 21. Except for elections in county retirement systems, which shall be governed by the provisions of M.G.L. c. 32, §§ 20(3)(b) and 20(3)(h), and in regional retirement systems which shall be governed by the provisions of M.G.L. c. 34B, § 19(a), except as otherwise provided by the Commission, by supplementary rules of a particular retirement board approved by the Commission pursuant to 840 CMR 14.02, or by statute, 840 CMR 7.00 shall govern all elections of elected board members held under the supervision of a retirement board or under the supervision of the Pension Reserve Investment Management Board.

(2) Unless a different meaning is plainly required by the context, the term "member", as used in 840 CMR 7.00, means member in service where the elected member is elected from members in service and means member in or retired from service where the elected member is elected from members in or retired from service.

(3) The elected retirement board member shall be elected by the members of the retirement system from among their number. One elected PRIM Board member shall be an active or retired member of the State Retirement System and shall be elected by the members in or retired from the State Retirement System. The other elected PRIM Board member shall be an active or retired member of the Teachers' Retirement System and shall be elected by the members in or retired from the Teachers' Retirement System. Members inactive, as defined by M.G.L. c. 32, § 3(1)(a)(ii), shall have the right to vote in board elections.

(4) If otherwise eligible and allowed by law, board staff may be elected to a board.

7.02: Election Officer; Appeals to Board

The board shall designate an Election Officer, who may be a member of the board, who shall assist the board in supervising the election and shall determine all matters relating to the election. Any person aggrieved by a determination of an Election Officer may appeal to the board. The board may promulgate supplementary rules governing the election which shall take effect as approved by the Commission pursuant to 840 CMR 14.02.

7.03: Notice of Elections

The board shall provide reasonable notice of the election not less than 90 days prior to the date of the election. Notice shall state the time, place and manner of the election and shall describe nomination and election procedures including, if the election is conducted at a polling place, procedures for voting by absentee ballot.

(1) Notice shall be mailed to each member of the appropriate system, or

7.03: continued

(2) Notice shall be mailed to each retired member of the appropriate system and be posted in at least three appropriate public locations:

- (a) within the jurisdiction of the system, or
- (b) where a system includes more than one governmental unit, within the jurisdiction of each governmental unit.

7.04: Nominations

Any member of the appropriate system may qualify as a candidate by filing with the board a nomination paper or papers, containing the signatures and addresses of at least 20 members of the system. Nomination papers, in blank, shall be made available to candidates at least 90 days prior to the date of the election. The nomination paper or papers, containing the necessary number of qualified signatures and addresses shall be filed no later than 45 days prior to the date of the election. If the board determines that a candidate has filed nomination papers containing less than the required number of qualified signatures, the board shall declare the nomination papers invalid and shall notify the candidate of its determination.

7.05: Election by Declaration

If the board determines that only one candidate has been nominated, the board shall declare said candidate to be the elected member of the board, no election shall be held, and said candidate shall take office and serve in all respects as though he or she had been elected by election.

7.06: Official Election Ballot

If the board determines that more than one candidate has been nominated, the board shall immediately prepare an official election ballot. Qualified candidates shall be listed on the official ballot in an order determined by a random drawing of the names of the candidates. If the incumbent elected member is nominated, he or she shall be identified as the incumbent on the official ballot. The official ballot shall state the length of the term for which the candidates are running.

7.07: Elections Conducted by Mail or at a Polling Place

Elections shall be conducted either entirely by mail or at a polling place open for not less than ten hours, the time and place to be determined by the board. In elections conducted at a polling place, members shall cast their votes on the official ballot in person at the polling place except as provided in 840 CMR 7.08.

7.08: Absentee Ballots

In elections conducted at a polling place members retired from service may vote by absentee ballot and an absentee ballot shall be mailed to each such member with notice of the election pursuant to 840 CMR 7.03. A member in service may, upon timely request, vote by absentee ballot only if he or she:

- (a) will be absent from the city or town where the polling place is located during the hours that it will be open;
- (b) will be unable to cast his or her vote in person on the day of the election for reasons of religious belief; or
- (c) will be unable to cast his or her vote in person at the polling place by reason of temporary physical disability.

Requests for absentee ballots shall be in writing and shall be filed no later than the day before the election or such earlier time provided by supplementary rules of the board approved by the Commission pursuant to 840 CMR 14.02. Absentee ballots shall be counted only if received by the board no later than the time fixed for the closing of the polls on the day of the election.

7.09: Tabulation of Ballots

Ballots shall be tabulated only by persons designated by the board under the direction of the Election Officer. The board shall notify each candidate of the time and location of the tabulation of the ballots and shall permit all candidates, or their representatives, to be present at the tabulation.

7.10: Election Results

The board shall notify each candidate, in writing, and shall give public notice of the results of the election within seven days after the election.

7.11: Preservation of Ballots

All ballots received by the board, including those determined to be invalid, shall be preserved by the board for 60 days.

7.12: Simultaneous Elections

Boards may hold a simultaneous election for the two elected members if the term of each elected member has expired or if both elected positions are vacant and if the two terms are equal. The board shall provide two separate ballots.

7.13: Terms

The terms of the elected members of the board shall be for not more than three years. The elected members shall serve until the qualification of their respective successors. In the event of a vacancy, a new election shall be held to fill a vacancy as soon as is practical and the member elected shall serve for either the unexpired portion of the vacant term or for a three year term.

REGULATORY AUTHORITY

840 CMR 7.00: M.G.L. c. 7, § 50; M.G.L. c. 32, § 21.

NON-TEXT PAGE